

AMENDED IN SENATE JUNE 13, 2012

AMENDED IN SENATE AUGUST 15, 2011

AMENDED IN SENATE JUNE 29, 2011

AMENDED IN SENATE JUNE 15, 2011

AMENDED IN ASSEMBLY APRIL 13, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 972

**Introduced by Assembly Members ~~Butler and Beall~~ Member Butler
(~~Coauthor: Assembly Member Mitchell~~)**

February 18, 2011

~~An act to amend, repeal, and add Section 11834.02 of, and to add and repeal Section 11834.04 to, the Health and Safety Code, relating to alcoholism or drug abuse treatment. An act to add Sections 3017 and 3203.5 to the Public Resources Code, relating to oil and gas.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 972, as amended, Butler. ~~Substance abuse: treatment facilities.~~
Oil and gas: hydraulic fracturing: moratorium.

Under existing law, the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation regulates the drilling, operation, maintenance, and abandonment of oil and gas wells in the state. The State Oil and Gas Supervisor supervises the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities related to oil and gas production within an oil and gas field regarding safety and environmental damage. Existing law requires an operator of a well,

before commencing the work of drilling the well, to obtain approval from the State Oil and Gas Supervisor or a district deputy.

This bill would, until regulations governing hydraulic fracturing have been adopted, prohibit the supervisor and the district deputy from approving the drilling of a well in which hydraulic fracturing, as defined, is used or is proposed to be used in the production of oil and gas.

~~Existing law provides for the licensure, certification, and regulation of alcoholism or drug abuse recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. These facilities are defined to mean any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.~~

~~This bill would, until January 1, 2017, revise the definition of an alcoholism or drug abuse recovery or treatment facility to include a facility that provides a prescribed medical program exclusively to residents of the facility and that is accredited by a nationally recognized accrediting organization.~~

~~Existing law requires the department to charge a fee to license alcohol or drug abuse recovery or treatment facilities. Existing law establishes the Residential and Outpatient Program Licensing Fund, consisting of specified fees, fines, and penalties. Under existing law, money in the fund, upon appropriation by the Legislature, is available to support the department's licensing and certification activities.~~

~~This bill would require the licensure and certification fee for facilities that provide the prescribed medical program to be, for the first year of implementation, no more than \$50 per client based on the number of clients the facility served the prior year.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3017 is added to the Public Resources
- 2 Code, to read:
- 3 3017. "Hydraulic fracturing," "fracking," "hydrofracking,"
- 4 "hydrofracturing," and "unconventional shale drilling" means a
- 5 technique used in preparing a well that typically involves the

1 *pressurized injection of water and a mix of chemicals, compounds,*
2 *and materials into an underground geologic formation in order*
3 *to fracture the formation, thereby causing or enhancing, for the*
4 *purposes of this division, the production of oil or gas from a well.*

5 SEC. 2. Section 3203.5 is added to the Public Resources Code,
6 to read:

7 3203.5. Notwithstanding any other law, until regulations
8 governing hydraulic fracturing have been adopted, the supervisor
9 or a district deputy shall not approve or issue a permit authorizing
10 the drilling of a well pursuant to this division in which hydraulic
11 fracturing is used or is proposed to be used in the production of
12 oil and gas.

13 SECTION 1. ~~Section 11834.02 of the Health and Safety Code~~
14 ~~is amended to read:~~

15 11834.02. (a) ~~As used in this chapter, “alcoholism or drug~~
16 ~~abuse recovery or treatment facility” or “facility” means any~~
17 ~~premises, place, or building that provides 24-hour residential~~
18 ~~nonmedical services to adults who are recovering from problems~~
19 ~~related to alcohol, drug, or alcohol and drug misuse or abuse, and~~
20 ~~who need alcohol, drug, or alcohol and drug recovery treatment~~
21 ~~or detoxification services, and may include a facility that provides~~
22 ~~a medical program exclusively to residents of the facility pursuant~~
23 ~~to subdivision (e) and that is accredited by a nationally recognized~~
24 ~~accrediting organization.~~

25 (b) ~~As used in this chapter, “adults” includes, but is not limited~~
26 ~~to, all of the following:~~

27 (1) ~~Mothers over 18 years of age and their children.~~

28 (2) ~~Emancipated minors, which may include, but are not limited~~
29 ~~to, mothers under 18 years of age and their children.~~

30 (c) ~~As used in this chapter, “emancipated minors” means persons~~
31 ~~under 18 years of age who have acquired emancipation status~~
32 ~~pursuant to Section 7002 of the Family Code.~~

33 (d) ~~Notwithstanding subdivision (a), an alcoholism or drug~~
34 ~~abuse recovery or treatment facility may serve adolescents upon~~
35 ~~the issuance of a waiver granted by the department pursuant to~~
36 ~~regulations adopted under subdivision (c) of Section 11834.50.~~

37 (e) ~~An alcoholism or drug abuse recovery or treatment facility~~
38 ~~may provide medical services by a physician, exclusively to~~
39 ~~residents of the facility for the purpose of assisting in detoxification~~

~~1 and treatment. The medical services provided under this
2 subdivision shall be limited to the following:~~

~~3 (1) Medical evaluation, psychiatric counseling, and prescription
4 of medications for assistance with detoxification.~~

~~5 (2) Additional psychiatric evaluation and counseling, if
6 necessary.~~

~~7 (3) Prescribing and monitoring of medications, including public
8 health inoculations.~~

~~9 (4) Obtaining medical histories and routine examinations for
10 general oversight of the medical condition of residents within the
11 facility.~~

~~12 (5) Routine, noninvasive testing, including drawing blood
13 samples for laboratory examination and testing offsite.~~

~~14 (f) Nothing contained in this section shall be construed to permit
15 the state or a local governmental entity to require the provision of
16 medical services within a facility as a condition of licensure,
17 funding, or other regulatory supervision.~~

~~18 (g) This section shall remain in effect only until January 1, 2017,
19 and as of that date is repealed, unless a later enacted statute, that
20 is enacted before January 1, 2017, deletes or extends that date.~~

~~21 SEC. 2. Section 11834.02 is added to the Health and Safety
22 Code, to read:~~

~~23 11834.02. (a) As used in this chapter, "alcoholism or drug
24 abuse recovery or treatment facility" or "facility" means a premises,
25 place, or building that provides 24-hour residential nonmedical
26 services to adults who are recovering from problems related to
27 alcohol, drug, or alcohol and drug misuse or abuse, and who need
28 alcohol, drug, or alcohol and drug recovery treatment or
29 detoxification services.~~

~~30 (b) As used in this chapter, "adults" includes, but is not limited
31 to, all of the following:~~

~~32 (1) Mothers over 18 years of age and their children.~~

~~33 (2) Emancipated minors, which may include, but are not limited
34 to, mothers under 18 years of age and their children.~~

~~35 (c) As used in this chapter, "emancipated minors" means persons
36 under 18 years of age who have acquired emancipation status
37 pursuant to Section 7002 of the Family Code.~~

~~38 (d) Notwithstanding subdivision (a), an alcoholism or drug
39 abuse recovery or treatment facility may serve adolescents upon~~

1 the issuance of a waiver granted by the department pursuant to
2 regulations adopted under subdivision (c) of Section 11834.50.

3 (e) This section shall become operative on January 1, 2017.

4 SEC. 3. Section 11834.04 is added to the Health and Safety
5 Code, to read:

6 11834.04. (a) In implementing subdivision (c) of Section
7 11834.02, all of the following shall apply:

8 (1) The department shall impose a licensure and certification
9 fee pursuant to Section 11833.02 on a facility providing medical
10 services pursuant to subdivision (c) of Section 11834.02.
11 Notwithstanding Section 11833.02, for the first year of
12 implementation, the fee shall be not more than fifty dollars (\$50)
13 per client based on the number of clients the facility served the
14 prior year.

15 (2) (A) Notwithstanding the Administrative Procedure Act
16 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
17 Division 3 of Title 2 of the Government Code), the department
18 shall, on or before June 30, 2012, implement this section and
19 subdivision (c) of Section 11834.02 by all-facility letters or similar
20 instructions. Thereafter, the department shall adopt emergency
21 regulations implementing this section on or before December 31,
22 2012, by adopting the specific accreditation standards established
23 by the Joint Commission on Accreditation of Healthcare
24 Organizations (JCAHO) and the Commission on Accreditation of
25 Rehabilitation Facilities (CARF), and any additional accrediting
26 organizations that the department may choose to rely upon. The
27 department may readopt any emergency regulation authorized by
28 this section.

29 (3) The initial adoption of emergency regulations and readoption
30 of emergency regulations authorized by this subdivision shall be
31 deemed an emergency and necessary for the immediate
32 preservation of the public peace, health, safety, or general welfare.
33 Initial emergency regulations and the one readoption of emergency
34 regulations authorized by this section shall be exempt from review
35 and approval by the Office of Administrative Law. The initial
36 emergency regulations and readoption of emergency regulations
37 authorized by this section shall be submitted to the Office of
38 Administrative Law for filing with the Secretary of State and each
39 shall remain in effect for no more than 180 days, by which time
40 final regulations may be adopted.

1 ~~(b) This section shall remain in effect only until January 1, 2017,~~
2 ~~and as of that date is repealed, unless a later enacted statute, that~~
3 ~~is enacted before January 1, 2017, deletes or extends that date.~~

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